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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,894	10/30/2003	Gary W. Ramsden	331235-00019	9250
27160	7590	04/25/2005	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 525 WEST MONROE STREET CHICAGO, IL 60661-3693			COSIMANO, EDWARD R	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,894

Applicant(s)

RAMSDEN ET AL.

Examiner

Edward R. Cosimano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 77-80 is/are pending in the application.
4a) Of the above claim(s) none is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 77-80 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Applicant's claim for the benefit of an earlier filing data under 35 U.S.C. § 120 is acknowledged.

2. The drawings are objected to because

A) the following errors have been noted in the drawings:

A) as can be seen in fig. 22A and from the context of the paragraph located at page 49, lines 23-32, "As shown in Figure 22(A), upon initialization of the system 700 at step 800, the customer is given an option to see and hear a video demonstration illustrating the operation of the system 700. If the customer provides input at step 802 by touching a "demonstration" button 701 (Figure 20) displayed on CRT 702, a 7-10 screen demonstration is displayed at step 804 which is accompanied by screen graphics and voice. The customer may cancel the demonstration at any time by touching a "cancel" button on CRT 702.", it would seem that the "YES" and "NO" legends for box 802 are reversed, see the related objection below.

2.1 Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The disclosure is objected to because of the following informalities:

A) applicant must update:

(1) the continuing data on page 1,
with the current status of each of the referenced applications, e.g., --now abandoned--,
or --now patent #?--, or --which is abandoned and now serial number #?--, --which is
expired--, etc.

B) as required by 37 CFR § 1.84(p(5)) and 37 CFR § 1.121(e) the specification
lacks an explicit reference to the nature of:

(1) how the program proceeds after box(es):

(a) 802 of fig. 22A if the inquiry is "YES" (as depicted, see
related objection above) in the paragraph located at page 49, lines 23-32,
"As shown in Figure 22(A), upon initialization of the system 700 at step
800, the customer is given an option to see and hear a video
demonstration illustrating the operation of the system 700. If the
customer provides input at step 802 by touching a "demonstration"
button 701 (Figure 20) displayed on CRT 702, a 7-10 screen
demonstration is displayed at step 804 which is accompanied by screen
graphics and voice. The customer may cancel the demonstration at any
time by touching a "cancel" button on CRT 702."; and

(b) 828 of fig. 22B if the inquiry is "YES" in the paragraphs
between page, 51, line 31, and page 52, line 14, "Once all of the
shipping information has been properly entered, microprocessor 718 then
polls scale 706 at step 826 to determine the weight of the parcel or
envelope 708. If no weight or an invalid weight is detected at step 828,
system 700 prompts the customer at step 830 to place the parcel or
envelope 708 on the scale 706. If no weight is detected for a period of
time (usually around 30 seconds), system 700 will assume the customer
has left and will abort this shipping transaction.

Next, at step 832, system 700 prompts the customer to input the
dimensions of the parcel or envelope 708 to be shipped. The customer
determines the measurements using measuring grid 710 adjacent scale

706. Screen graphics on CRT 702 help the customer in this process by illustrating how the dimensions of the package are to be measured using the measuring grid 710. System 700 then determines at step 834 whether the input dimension data is valid and issues an appropriate message at step 836 if the dimensions are, for example, too large to be handled at that location. The customer is then given another opportunity to enter the dimensions at step 832 to correct any errors.”.

In this regard, it is noted that merely mentioning either a feature or a number with out mentioning the device or operation or number or feature relies on the drawing to provide support for the disclosure and not to aid in the understanding of the invention, as is the purpose of the drawings (37 CFR § 1.81(a,b)).

Appropriate correction is required.

4. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).

5. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time

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the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5.1 Claim 77 is rejected under 35 U.S.C. § 103(a) as being unpatentable over either Gunn (4,024,380) or Pusic (5,065,000) in view of Barns-Slavin et al (5,117,364).

5.1.1 In regard to claim 77, either Gunn ('380) or Pusic ('000) disclose a computer implemented mailing system/method which under the control of a operating program stored in the memory of the system provides a system/method that includes:

A) a means for receiving payment for the dispensed postage or shipping fee;

B) a scale for weighing the item to be mailed or shipped;

C) an input device for entering:

(1) the destination of the item to be mailed or shipped;

(2) an indication of the selected services provided by the carriers; and

(3) an indication of the any other required postage or shipping fee determining/related information;

D) a device to determine the required postage or shipping fee as a function of at least the weight of the item and entered destination for the item; and

E) at least one device to print a shipping label for the item and a customer receipt for the postage or shipping fee that has been paid.

Where each of the above devices cooperate as a single machine/process that perform the function of providing mailing services to the customer.

5.1.2 Neither Gunn ('380) nor Pusic ('000) disclose that the customer/user may select a "delivery service option" from at least two different "delivery service options". However, Barns-Slavin et al ('364) discloses a computer implemented mailing system/method which under the control of a operating program stored in the memory of the system provides a mailing system/method that presents to the customer a series of possible "delivery service options" based upon the shipping data entered by the customer/user so as to provide the desirable function of reducing the shipping cost paid by the customer. To this end the system/process of Barns-Slavin et al ('364) receives shipping related data from the customer and then uses the received data to determine at least one "delivery service option". The

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determined “delivery service options” are then presented to the customer in a sequence starting with the least cost “delivery service option” so that the customer may select the “delivery service option” that best suits the needs of the customer. Since it is a desirable feature to present multiple “delivery service options” as provided by a number of different carriers for selection by the user as taught by Barns-Slavin et al (‘364) so as to reduce shipping costs, it would have been obvious to one of ordinary skill at the time of the invention that the mailing machine/process of either Gunn (‘380) or Pusic (‘000) could be modified to determine a number of “delivery service options” base on user entered shipping related data and then present the various determined “delivery service options” to the user as taught by Barns-Slavin et al (‘364).

5.2 Claims 78 & 80 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pusic (5,065,000) in view of Barns-Slavin et al (5,117,364) as applied to claim 77.

5.2.1 In regard to claim 78 and the use of a barcode on the printed label, it is noted that the label printed in Pusic (‘000) includes a barcode.

5.2.2 In regard to claim 80 and the use of a credit card reader, it is noted that the means for receiving payment in Pusic (‘000) is a credit card reader.

5.3 Claim 79 is rejected under 35 U.S.C. § 103(a) as being unpatentable over either Gunn (4,024,380) or Pusic (5,065,000) as modified by Barns-Slavin et al (5,117,364) as applied above to claim 77 and further in view of Allen et al (4,570,217).

5.3.1 In regard to claim 79, neither Gunn (‘380) nor Pusic (‘000) as modified by Barns-Slavin et al (‘364) disclose using a “touch screen CRT” as the user’s input device. However, Allen et al (‘217) discloses a computer implemented system/method which under the control of a operating program stored in the memory of the system provides for the use of either a keyboard and/or “touch sensitive CRT” as the system/method of entering data into a computerized control system, (see the 4th full paragraph of column 4 and table 3 in column 16). Where as pointed out in the 4th full paragraph of column 4, the combination of a CRT with a touch sensitive overlay provides a greater flexibility and ease of entering data into the controlled system. Since, the mailing systems/process of either Gunn (‘380) or Pusic (‘000) as modified by Barns-Slavin et al (‘364) require the user to enter data and as taught by Allen et al

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(‘217) the use of a “touch sensitive CRT” provides grated versatility when entering data into a computerized system, it would have been obvious to one of ordinary skill at the time of the invention that the mailing machine/process of either Gunn (‘380) or Pusic (‘000) as modified by Barns-Slavin et al (‘364), could be modified to use a “touch sensitive CRT” as the data entry device as suggested by Allen et al (‘217).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6.1 A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR § 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Response to applicant's arguments.

7.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been over come by applicant's last response.

7.2 In regard to the repeated objections, it is noted that upon a comparison of the original drawings filed 30 October 2003 to the context of the content of the amendments to the specification filed 08 March 2005, it can not be seen how, these amendments address the concerns expressed by the examiner in the last Office action. Hence, these objections have been repeated.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783 (after 13 April 2005 (571) 272-6802). The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703)-308-2702 (after 13 April 2005 (571) 272-6812). Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

8.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.

8.2 The fax phone number for OFFICIAL FAXES is (703) 872-9306.

8.3 The fax phone number for AFTER FINAL FAXES is (703) 872-9306.

04/10/05


Edward R. Cosimano
Primary Examiner A.U. 3629